

BakerHostetler



November 3, 2023

By ECF

The Honorable Jessica G.L. Clarke
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States Securities and Exchange Commission v. Qin, No. 20-cv-10849 (JGLC)

Dear Judge Clarke:

On behalf of Robert A. Musiala, Jr., the Court-appointed receiver in the above-referenced litigation (“Receiver”) and non-party respondents, Nasir Adaya (“Adaya”) and Phuong Nguyen (“Nguyen,” and together with Adaya, “Respondents”) we write to update you on certain discussions between the parties.

On August 4, 2023, the Receiver filed a Motion to Compel Turnover of Assets (“Motion”) (ECF No. 232). On September 8, 2023, the parties submitted a Joint Letter and Stipulation (ECF No. 242) setting forth a briefing schedule with respect thereto, which the Court so-ordered on September 11, 2023 (ECF No. 243).

Pursuant to the Joint Stipulation, on October 27, 2023, Respondents filed their opposition to the Motion (“Opposition”) (ECF No. 250) along with a Motion to Strike Portions of Mark Porter’s Declaration in Support of Receiver’s Motion (“Motion to Strike”) (ECF No. 249).

Under Local Civil Rule 6.1(b)(2), the Receiver is to file his opposition to the Motion to Strike by November 13, 2023. Under the Joint Stipulation, the Receiver is to file his reply to Respondents’ Opposition by November 15, 2023.

Due to changes in his undersigned counsel’s schedule, the Receiver has requested an extension of time until December 1, 2023 to file both his Reply and his Opposition. The parties met and conferred, and Respondents have consented to this request.

Attached hereto please find a Stipulation of the parties, which they jointly request the Court order.

We thank your Honor for the consideration of this letter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Marco Molina".

Marco Molina,

Two handwritten signatures in blue ink. The first signature is "Aviva" and the second is "Gary Kaplan".

Aviva J.B. Gilbert and Gary M. Kaplan,

for the Receiver

for Respondents